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June 17, 2022

VIA CM/ECF

Hon. Nelson S. Román  
United States District Court  
Southern District of New York  
300 Quarropas Street  
White Plains, NY 10601

USDC SDNY  
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Re: Booker v. Griffin, et al., 16 Civ. 72 (NSR) (PED)

Dear Judge Román:

I write as counsel for Plaintiff Amin Booker in the above-captioned case to respectfully request a sixty-day adjournment of Plaintiff's filing deadline for his cross-motion and opposition to Defendants' motion for summary judgment. I make this request because Mr. Booker's correctional facility has made it extremely difficult to schedule prompt legal calls.

Since April 7, 2022, the date Defendants' filed their motion for summary judgment, we have only been able to speak with Mr. Booker once about his case, on June 10, 2022, despite repeated attempts to schedule calls through DOCCS. Initially, we had a call scheduled with Mr. Booker on May 10, 2022. When we called the facility that day, they stated that Mr. Booker was unavailable to speak with us, but they would not disclose the reason due to HIPAA restrictions. On that same day, we sent a follow up request to DOCCS to schedule another call. They responded on May 16, 2022 stating that none of our three requested dates were available. The earliest date provided to us was June 8, 2022.

Eventually, on June 10, 2022, we were able to speak with Mr. Booker for the first time since Defendants' April 7, 2022 filing. However, the call was unexpectedly cut short by the facility and hindered by technology issues. We subsequently called the facility and sent a follow up email to DOCCS stressing the importance of our July 11, 2022 deadline, and requested that they allow us to speak with Mr. Booker again on the weeks of June 27th and July 5th so that we could adequately prepare his response. However, they denied the request, stating that:

"As per Departmental Policy, incarcerated individuals are allowed one 30 minute legal call every 30 days" and therefore we could request another phone call to be scheduled on or after July 10, 2022 (the day before our deadline).

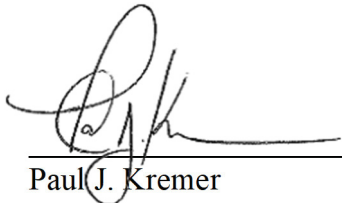
MEMO ENDORSED

## GIBSON DUNN

Honorable Paul E. Davison  
June 17, 2022  
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We have conferred with Defendants' counsel and he has consented to our adjournment request. If the Court grants this request, the remaining deadlines will be adjusted as follows: (i) Plaintiff's cross-motion and opposition papers shall be served not filed on September 9, 2022, (ii) Defendants' reply and cross-opposition papers shall be served not filed on October 10, 2022, and (iii) Plaintiff's cross-reply papers shall be served on November 8, 2022, and all motion papers will be filed that day.

Respectfully submitted,

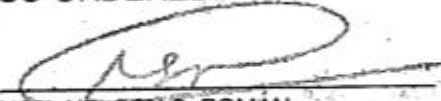
  
\_\_\_\_\_  
Paul J. Kremer

cc: Counsel of record (via CM/ECF)

Plaintiff's request for an extension, with Defendants' consent, is GRANTED. The briefing schedule for the cross-motions for summary judgment is modified as follows: (i) Plaintiff's cross-motion and opposition papers shall be served (not filed) on September 9, 2022; (ii) Defendants' reply and cross-opposition papers shall be served (not filed) on October 10, 2022; and (iii) Plaintiff's cross-reply papers shall be served on November 8, 2022. All motion papers shall be filed on November 8, 2022. The Clerk of Court is kindly directed to terminate the motion at ECF No. 256.

DATED: June 21, 2022  
White Plains, NY

SO ORDERED:

  
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HON. NELSON S. ROMAN  
UNITED STATES DISTRICT JUDGE